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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/670,550
Filed: September 25, 2003
Inventor(s):
Rahul L. Shah

Title: METHOD AND SYSTEM
FOR BUSY PRESENCE
STATE DETECTION IN
AN INSTANT
MESSAGING SYSTEM

§ Examiner: Unknown
§ Group/Art Unit: 2154
§ Atty. Dkt. No: 5681-69700
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Robert C. Kowert

Robert C. Kowert April 7, 2005
Signature Date

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests consideration of ☒ the references listed on the attached Form PTO-1449 and/or ☒ the additional information identified below in paragraph 3. A copy of references A1-A3 listed on the Form PTO-1449 are enclosed.

This Information Disclosure Statement includes copies of the content of one or more Internet web pages. Applicant notes that it is generally more difficult to accurately establish the publication dates for web pages than for printed media such as books and journal articles. Even if a web page lists a date of publication, it is possible that a web page author may make changes to the web page and forget to correspondingly change the publication date. Thus, a web page may include content which was added after the indicated publication date.

1. This Information Disclosure Statement is submitted:
- a. ☐ within 3 months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
☐ within 3 months of the date of entry of the national stage as set forth in § 1.491 in an International application;
☒ before the mailing date of a first Office Action on the merits; or
☐ before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
 - b. ☐ after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus: ☐ the certification of paragraph 2 below is provided, or ☐ a fee of \$180.00 is authorized below.
 - c. ☐ after the mailing date of a final Office Action or a Notice of Allowance and prior to payment of the issue fee, and thus: the certification of paragraph 2 below is provided and a fee of \$180.00 is enclosed below.
2. It is hereby certified:
- ☐ that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or
 - ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in § 1.56 (c) more than three months prior to the filing of the Statement.
3. ☒ Consideration of the following additional information (including any co-pending or abandoned U.S. applications, prior uses and/or sales, etc.) is requested:
- U.S. Patent Application No.: 10/670,549 (5681-69800)
U.S. Patent Application No.: 10/670,849 (5681-69900)
4. For each non-English language reference listed on the attached Form PTO-1449:
- ☐ reference is made to an English language translation submitted herewith, and/or
 - ☐ reference is made to a foreign patent office search report (in the English language) submitted herewith, and/or
 - ☐ reference is made to an English language translation of a foreign patent office search report submitted herewith, and/or
 - ☐ reference is made to the concise explanation contained in the specification of the present application at page(s) _____, and/or
 - ☐ reference is made to the concise explanation set forth below:
5. ☐ Applicant also offers the following comments for the Examiner's consideration:

6. ☐ Also enclosed is a copy of a foreign search report citing these references.
7. ☐ The listed documents were brought to the attention of the Applicant(s) after payment of the issue fee in the captioned case. The documents were cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Applicant(s) request this Information Disclosure Statement and attached Form PTO-1449 be placed in the file of the captioned application.
8. ☐ Applicant(s) requests that the Information Disclosure Statement and attached Form PTO-1449 and references, which are being filed before the grant of the patent and pursuant to 37 C.F.R. § 1.97(i), be placed in the file of the captioned application.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel PC, Deposit Account No. 50-1505/5681-69700/RCK.

Respectfully submitted,



Robert C. Kowert
Reg. No. 39,255
Attorney for Applicant(s)

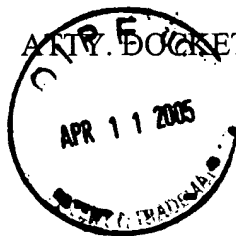
MEYERTONS HOOD KIVLIN KOWERT & GOETZEL PC
P. O. Box 398
Austin, Texas 78767
(512) 853-8800

Date: April 7, 2005

Form PTO-1449 (modified)
List of Patents and Publications
For Applicant's Information
Disclosure Statement
(Use several sheets if necessary)

ACTIVITY DOCKET NO: 5681-69700

SERIAL NO: 10/670,550



APPLICANT: Rahul L. Shah

FILING DATE: September 25, 2003

GROUP: 2154

U.S. PATENT DOCUMENTS

| EXAM. INITIALS | REF. DES | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FILING DATE IF APPROPRIATE |
|-------------------|-------------|--------------------|------|------|-------|--------------|-------------------------------|
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FOREIGN PATENT DOCUMENTS

| EXAM. INITIALS | REF. DES | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB CLASS | TRANSLATION. YES/NO |
|-------------------|-------------|--------------------|---------|---------|-------|--------------|------------------------|
| | A1 | WO01/69387 | 9/20/01 | PCT | | | |
| | A2 | WO03/032613 | 4/17/03 | PCT | | | |
| | A3 | WO01/45368 | 6/21/01 | PCT | | | |

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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| | A4 | International Search Report for PCT/US2004/031622, mailed February 24, 2005. |
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EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the patent owner.

Information Disclosure Statement--PTO 1449 (modified)